

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	CERTIFICATION OF A
)	SEXUALLY DANGEROUS PERSON
WALTER WOODEN,)	
Register Number 35764-118,)	
)	
Respondent.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 15th day of July, 2010.

George E. B. Holding
United States Attorney

By: /s/ Christina A. Kelley
CHRISTINA A. KELLEY
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N.C. Bar No. 34248

CERTIFICATE OF SERVICE

This is to certify that I have this 15th day of July 2010, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope in hand to:

Walter Wooden
Reg. No. 35764-118
FCI Butner

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

By: /s/ Christina A. Kelley
CHRISTINA A. KELLEY
Attorney for the Petitioner
Special Assistant U.S. Attorney
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CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Ivonne E. Bazerman, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate Walter N. Wooden, Register Number 35764-118, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina. His current period of Bureau custody commenced when he was returned to custody on July 5, 2005, pursuant to a warrant issued by the United States Parole Commission (USPC). The USPC subsequently issued a Notice of Action revoking parole and directing that his confinement continue to expiration. The revocation was based on evidence that inmate Wooden pulled his pants down in front of a seven-year-old boy, the boy took his own pants down, and the inmate placed his penis against the boy's buttocks. Inmate Johnson's original sentence was a 20- to 60-month term of imprisonment for Taking Indecent Liberties With a Minor Child, in violation of D.C. Code § 22-3501(a) (1983); a concurrent 80- to 240-month term of imprisonment for Sodomy, in violation of D.C. Code § 22-3502 (1983); and a concurrent 20- to 60-month term of

imprisonment for Enticing a Minor Child, in violation of D.C. Code § 22-3501(b) (1983) (D.C. Super. Ct.) (Case No. F-4149-83). His offense conduct included taking an eight-year-old boy to an abandoned garage, pulling down the boy's pants, performing oral sex on the boy, and twice inserting his penis into the boy's rectum. About a month later, he took a 12-year-old boy to the same abandoned garage with the intent of having sex with him, but the boy was able escape. His projected release date is October 12, 2010 via mandatory parole.


(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his conduct associated with his parole revocation and his original offense. Additionally, he was previously convicted of Taking Indecent Liberties With a Minor Child, in the Superior Court of the District of Columbia (Case No. 73211-74), for having sexual contact with a four-year-old boy;

(b) A psychological review indicated an Axis I diagnosis of Pedophilia, Sexually Attracted to Males;

(c) An assessment of him using an actuarial risk assessment instrument (Static-99R) was conducted. This result, in addition to his current and prior offense conduct, a history of revocation or failure to meet the stipulations of conditional release, and intimacy deficits, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.


Ivonne E. Bazerman
Chairperson
Certification Review Panel
Federal Bureau of Prisons

3/15/2010
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
WALTER WOODEN,)	
Register Number 35764-118,)	
)	
Respondent.)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the

appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the government to conduct a psychiatric or psychological examination of Respondent. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, independent examiners appointed by order of this Court, or other mental health professionals, shall be filed with this Court under seal.

The Court hereby notifies the parties that this case has been set for Hearing by videoconference at _____ AM/PM on _____. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

This ____ day of _____, 2010.

W. EARL BRITT
Senior U.S. District Judge